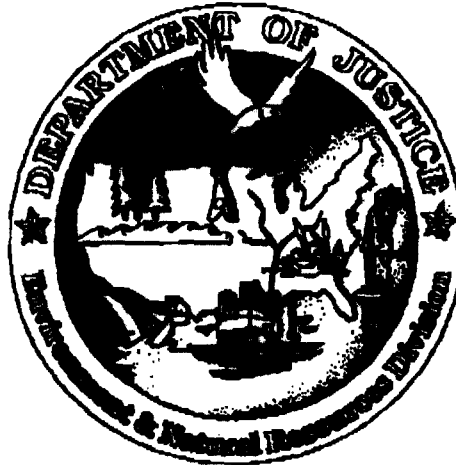


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NUMBER OF PAGES SENT (INCLUDING COVER PAGE): / /

In accordance with Fed. R. Civ. P. 33 and 34, plaintiff the United States of America answers and objects as follows to the interrogatories of defendant Solutia. These answers are based upon information presently known to the United States. As the United States develops its case through discovery and other means, it will supplement or amend these responses as

appropriate and in accordance with Fed. R. Civ. P. 26(e).

I. GENERAL OBJECTIONS

The following general objections will be asserted if applicable to the interrogatories responded to below.

1. Plaintiff objects to these interrogatories and requests to the extent they call for information which falls under attorney-client privilege, attorney work product privilege, or governmental deliberative process privilege. Plaintiff also objects to production of information submitted by any party to the United States Environmental Protection Agency (EPA) under a claim of business confidentiality pursuant to 40 C.F.R. § 2 Subpart B.
2. Plaintiff objects to these interrogatories to the extent they request information readily ascertainable from public records or other publicly available information. Such a request imposes an unnecessary and costly burden on the plaintiff.
3. The United States objects to these interrogatories to the extent they request a review or analysis of records and documents where such review or analysis would be duplicative, cumulative, unduly burdensome, or oppressive and where appropriate refers defendant pursuant to Fed. R. Civ. P. 33(d), to documents either developed, submitted or otherwise in your possession or control or contained in the Administrative Record for this Site.
4. Plaintiff objects to interrogatories that request the United States to identify to "each" person or "all" persons, whether or not employees or agents of the United States, who has knowledge of or access to the information requested in the interrogatory. This request is unduly burdensome and is, moreover, probably unanswerable. Without waiving its objections, the United States has provided a list of those persons, except attorneys, who have or may have

relevant knowledge. The United States does not consent to any party contacting the United States' current or former employees, agents or contractors without first notifying counsel for the United States.

5. Plaintiff objects to interrogatories to the extent they require the United States to identify all documents relating to the information requested in each particular interrogatory as unduly burdensome and oppressive.

6. The United States objects to interrogatories to the extent they are compound or include subparts and exceed the number of interrogatories permitted by the Fed. R. Civ. P. and the Local Rules of this Court. Notwithstanding this objection and subject to the general and specific objections noted below, the United States endeavors to supply the information it possesses that is called for by a reasonable construction of these interrogatories and requests for production.

7. The United States objects to interrogatories calling for information related to the response actions taken or to be taken by the EPA at the Sauget Area 1 sites that is not included in the administrative records for the Site. The administrative record is the basis for the response actions taken or to be taken at the sites. CERCLA, 42 U.S.C. § 113 (k)(i). The administrative record includes all items developed and received by EPA relating to the response actions. 42 U.S.C. §113(k)(2)(c). Judicial review of the response actions is then limited to the administrative record, and such actions are to be upheld unless an objecting party can show that the decision was arbitrary and capricious or otherwise not in accordance with law. 42 U.S.C. § 113(j). Thus, discovery as to remedy-related matters in CERCLA litigation is limited to the administrative record.

INTERROGATORIES

1. Identify each individual reasonably likely to have information that bears significantly on the contamination that has been found at the Site stating for each individual identified that individual's area(s) of knowledge.

OBJECTIONS: Plaintiff objects to this interrogatory to the extent it requires the United States to identify "each" as overly broad. The United States also objects to this request to the extent that the information requested is presumably in possession of defendant, and more readily available to it than the United States.

ANSWERS: Without waiving its objections, Samuel F. Borries, On-Scene Coordinator, U.S. EPA Region V, and Michael McAteer, Remedial Project Manager, U.S. EPA Region V have been involved in the removal and remedial aspects of the Site on behalf of the U.S. EPA. Paul Tackas, the former remedial project manager for the Illinois Environmental Protection Agency was integrally involved with the Site on behalf of the IEPA. The United States further states that Solutia has conducted the Remedial Investigation and Feasability Study for the Sauget Sites and that responsive information may be in its control. Moreover, responsive information maybe within the possession of one or more of the defendants and may be obtained through further discovery. Additionally, in accordance with Fed. R. Civ. Pro. 33(c), Plaintiff refers defendant refers the documents contained in its files that are available for public inspection and copying at the U.S. Environmental Protection Agency's offices at 77 West Jackson Boulevard, Chicago, Illinois 60604. U.S. EPA's office in Chicago. The United States' investigation continues and the United States will supplement this answer as appropriate.

2. State whether you possess any statement, as that term is defined in Fed. R. Civ. P. 26(b)(3), taken by or from you or by or from any other person containing information that has any bearing on the claims alleged in your Complaint. If so, for each statement state the date, place, and

time it was taken; identify the person making the statement; identify all persons present at the time it was taken; state the manner in which it was recorded (i.e., written or stenographic, mechanical, electrical, or other recording); state whether it is signed or made under oath; and identify the persons under whose direction and upon whose behalf it was taken.

ANSWER: The United States does not possess any such statement. The United States' investigation continues and the United States will supplement as appropriate.

3. Identify all damages being asserted in the Complaint filed by Plaintiff. Include in your answer the names of all individuals who billed time to the project, the amount of time spent by such individuals, the amount billed per hour for their time, a detailed description of the type of work performed during the hours billed, other costs bill[ed] for the project and a detailed description of what services were provided for those billed costs.

ANSWER: Pursuant to Fed. R. Civ. P. 33(b), the United States refers the defendant to the Itemized Cost Summary and associated work performed documents provided to it by the United States.

4. Identify the basis for the removal action described by you in your Complaint in this case including but not limited to the basis on which you made the determination that there was an imminent and substantial danger to public health or welfare at the Site; what new information the U.S. Environmental Protection Agency had regarding the site in 1994 that substantiated a finding of imminent and substantial danger that it did not have in prior years when no action was taken; whether sample results obtained in 1994 were similar to results from prior sampling that U.S. Environmental Protection Agency had access to; an explanation of why the site was treated as a time-critical removal action and not a non-time critical removal action as those terms are defined under the preamble to the 1988 proposed National Contingency Plan at 53 Fed. Reg. 51394, 51409 (Dec. 21, 1998).

OBJECTION: The United States objects to this interrogatory to the extent it seeks information that is irrelevant. The United States further objects to this interrogatory to the extent that it requests information protected by the attorney-client privilege, the attorney work product doctrine and the deliberative process privilege. Any challenges to the basis for the removal action is limited by CERCLA to record review, and therefore a request asking the United States identify the basis for the removal action is inappropriate. Additionally, the United States objects to this interrogatory to

the extent it seeks information related to the response actions and not included in the administrative records for the Site. These records are the bases for the selection of a remedy. CERCLA, 42 U.S.C. § 113 (k)(i). The administrative record includes all items developed and received by EPA during the remedy selection process. 42 U.S.C. § 113(k)(2)(c). Judicial review of the remedy selected is then limited to the administrative record, and such remedy is to be upheld unless an objecting party can show that the decision was arbitrary and capricious or otherwise not in accordance with law. 42 U.S.C. § 113(j). Thus, discovery as to remedy-related matters in CERCLA litigation is limited to the administrative record. Without waiving said objections, to the extent responsive unobjectionable information exists, the United States refers Solutia to the administrative record for this Site. Moreover the United States objects to this interrogatory to the extent it calls for a legal conclusion relating to time-critical removal action. Additionally, the United States objects to the term as to the "whether the sample results in 1994 were similar to results from prior sampling" as vague and ambiguous. Specifically, it is unclear as to whether you mean that the types of contaminants were the same and/or that the levels of the contaminants found were similar. Additionally, the United States objects because the sampling results speak for themselves.

ANSWER: Subject to the afore-stated objections, the United States answers as follows:

The United States based its determination that an imminent and/or substantial threat or danger to the public health of welfare existed at the Site because the hazardous substances present an actual or potential exposure to nearby populations, animals, or food chains; the potential exists for migration of soil contaminants via airborne dust or from run-off discharges leading to the water-filled depression; weather conditions may cause pollutants or contaminants to migrate or be released, the plumes of smoke that billowed into the air during the fires at the Site released contaminants into

the environment through the air, the high levels of PCBs that are present at the Site generates dioxin which is migrating from the Site through the air and surficial run-off. See *Removal Action Report*

In years prior to 1994, the Site was not spontaneously combusting. The Sauget Fire Department had to return to the Site several times to extinguish fires. Each time there was a fire, PCBs and dioxin were released into the air. Additionally, the Site was subject to wind and water run-off. Without conceding the assumptions implicit in this interrogatory, the Superfund has limited funds and cannot respond to every imminent endangerment present in the United States.

The hazardous substances identified in the 1994 sampling were similar to those identified in prior sampling.

The Site was treated as "time-critical" because it met the criteria for time-critical removals in the National Contingency Plan, 40 C.F.R Section 300.415(b)(2). Specifically, the Site was on fire thereby releasing toxic contaminants into the atmosphere.

For the foregoing responses by the United States to Solutia's interrogatories, all objections, introductory explanations were prepared by undersigned counsel for the United States of America.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the *Answers and Objections of the United States of America to Defendant Solutia Inc.'s First Set of Interrogatories Directed to Plaintiff* was served by facsimile to Solutia's counsel and by depositing same in an envelope with postage full prepaid in a U.S. Post office mailbox in Washington D.C., on the 30th day of August, 2001, to counsel of record as shown on the attached service list.

KAREN E. TORRENT
Trial Attorney

VERIFICATION

STATE OF ILLINOIS)
)
COOK COUNTY)

SAMUEL F. BORRIES, being duly sworn, depose and states that he is the On-Scene Coordinator, and that the facts contained within the foregoing ANSWERS AND OBJECTIONS OF PLAINTIFF, THE UNITED STATES OF AMERICA TO DEFENDANT SOLUTIA INC.'S FIRST SET OF INTERROGATORIES DIRECTED TO PLAINTIFF are true and correct to the best of his knowledge, information and belief.

Samuel F. Borries
SAMUEL F. BORRIES

Subscribed and sworn to before me this 28TH day of AUGUST, 2001

John V Fagiolo
Notary Public

My Commission Expires

03/13/02

